



King County Board of Ethics  
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**KING COUNTY BOARD OF ETHICS SPECIAL MEETING NOTICE**  
***The regularly scheduled meeting on November 15, 1999, has been canceled***

**When:** Tuesday, November 23, 1999 at 4:30 p.m.

**Where:** Bank of California Building  
900 Fourth Avenue, 4<sup>th</sup> Avenue and Marion Street, Seattle  
5<sup>th</sup> floor conference room (southwest corner of the building)

**PLEASE NOTE CHANGE FROM USUAL MEETING LOCATION**

**AGENDA**

1. ***Approval of Agenda***
2. ***Approval of Meeting Minutes of October 18, 1999***
3. ***Financial Disclosure Requirement Under the Code Of Ethics***
  - Signed Ordinance
  - Adoption of Emergency Rules for Financial Disclosure Statements
  - Adoption of Financial Disclosure Forms
4. ***Report from Presiding Officer on Appeal Hearing***
5. ***Review of Provisions of the Code of Ethics***
  - Solicitations for Charitable Organizations by County Elected Officials
  - Other Provisions
6. ***Board Appointments***
7. ***Executive Session***

cc: Ron Sims, King County Executive  
King County Councilmembers  
Duncan Fowler, Director–Ombudsman, Office of Citizen Complaints  
Sheryl V. Whitney, Director, DIAS  
James J. Buck, Deputy Director, DIAS  
Carl A. Johansen, Senior Deputy Prosecuting Attorney  
Mike Alvine  
John Chelminiak  
Tim Hatley  
Jeanne Keenan  
Kristine Ottaway  
Jeff Slayton

Upon advance request, reasonable accommodations for people with disabilities  
are available by calling (206) 296-1586 or TTY 1-800-833-6388.

## **Minutes of the November 23, 1999 Special Meeting of the King County Board of Ethics**

The November 23, 1999, special meeting of the King County Board of Ethics was called to order by Chair Price Spratlen at 4:30 p.m. Board members in attendance were:

Dr. Lois Price Spratlen, Chair  
Mr. Roland H. Carlson  
Lembhard G. Howell, Esq.  
Rev. Paul F. Pruitt

Others in attendance:

Ms. Catherine A. Clemens, Administrator, King County Board of Ethics  
Mr. Carl A. Johansen, Senior Deputy Prosecuting Attorney  
Mr. James J. Buck, Deputy Director, DIAS  
Mr. Duncan Fowler, Ombudsman (arriving at 4:45 p.m.)  
Ms. Jeanne Keenan, Council Legislative Aide (arriving at 4:55 p.m.)  
Mr. Mike Alvine, Council Legislative Analyst

The chair invited everyone to introduce them selves before the start of business.

1. *Proposed Agenda.* Chair Price Spratlen requested to add an Executive Session to discuss a quasi-judicial matter. With that addition, Mr. Carlson moved the approval of the proposed agenda; Mr. Howell seconded the motion and the agenda was approved.

2. *Approval of Meeting Minutes of October 18, 1999.* Rev. Pruitt moved to approve the October 18, 1999, meeting minutes with minor corrections; Mr. Carlson seconded the motion, and the minutes were approved.

3. *Financial Disclosure Requirement Under the Code of Ethics.* Ms. Clemens briefed the Board, drawing their attention to Ordinance No. 13657, relating to the code of ethics and amending the requirements for filing statements of financial and other interests. She noted the ordinance was introduced and read for the first time on August 16, 1999; passed by County Council on a vote of 11 to 0 on October 11, 1999; and approved by Executive Sims on October 15, 1999. Ms. Clemens congratulated the Board and Mr. Johansen on their work over the past two years, seeing this significant piece of legislation through from conception to enactment. She stated that the ordinance represents a real improvement on the Code of Ethics and, as Mr. Carlson had said earlier, achieves the stated mission of the Board: developing, disseminating and promoting readily understandable ethics requirements for employees and agencies. Chair Price Spratlen agreed and stated that this legislation was achieved through the cooperative work of the Board, Mr. Johansen and Ms. Clemens. Mr. Howell suggested, and the Board agreed, that the Administrator prepare a letter of thanks from the Board to the Council and Executive for the passage of the legislation.

Next, Ms. Clemens reviewed with the Board the Emergency Rules Related to Filing Statements of Financial and Other Interests, paying particular attention to section 4.0. This section, entitled Criteria, identifies which employees, in addition to those designed in K.C.C. 3.04.050(B), are required to complete and file statements of financial and other interests.

Following discussion, and pursuant to 1.3 of the Emergency Rules, Mr. Howell moved that the Board of Ethics determine the following: (1) K.C.C. 2.98.050(C) requires the Board to adopt criteria for determining which employees, in addition to those designated in K.C.C. 3.04.050(B), are required to complete and file statements of financial and other

interests; (2) such criteria are necessary and in the public interest to effectuate the annual filing of such statements by April 15, 2000; and (3) emergency rules establishing such criteria should be adopted until non-emergency rules can be promulgated, thereby ensuring criteria are in place for use by departments in identifying employees who must file such statements. Rev. Pruitt seconded the motion and the Board unanimously adopted the emergency rules which will be effective upon filing with the Clerk of the County Council.

Mr. Howell then moved, pursuant to 1.4 of the Emergency Rules, that the Board of Ethics direct the Ethics Administrator and Board Counsel to develop non-emergency rules establishing such criteria for adoption and promulgation by the Board of Ethics in compliance with the rule-making provisions of K.C.C. chapter 2.98; Rev. Pruitt seconded the motion and the motion passed.

Ms. Clemens presented draft statements of financial disclosure and other interests for use in 2000 by county employees and board and commission members. Ms. Clemens asked for Board review and approval of the forms. Following review and discussion, Mr. Carlson moved to approve for use the statements of financial disclosure and other interest for both county employees and board and commission members; Mr. Howell seconded the motion and the forms were approved.

4. *Report from Presiding Officer on Appeal Hearing.* Mr. Howell, as Presiding Officer, briefed the Board on the upcoming appeal hearing to be held on Friday, December 10, 1999, 10:00 a.m., King County Administration Building, Room 510. He reviewed important dates; discussed the pre-hearing teleconference held earlier; identified decisions made during the teleconference; and clarified procedures. Mr. Howell mentioned a potential witness had contacted him recently and that Mr. Howell had responded by referring the witness back to the party who had called him as a witness. Mr. Howell mentioned that all Board members indicated they plan to attend and Ms. Clemens distributed a chronology of the hearing appeal thus far.

5. *Review of Provisions of the Code of Ethics.* Mr. Johansen briefed the Board on materials previously provided to them; these materials had also been distributed to other interested parties. Together they reviewed the definition of 'solicitation' and 'charitable organization.' Of the alternative definitions for 'charitable organization,' the Board indicated approval of the broadest interpretation: "Charitable organization means a person that is (1) exempt from federal taxation under 26 USC Section 501, (2) is registered as a charitable organization under RCW 19.09.065, or (3) both so exempt and registered." Mr. Alvine offered to provide examples of charitable organizations with which elected official work, and the Board indicated they would appreciate having those example.

The Board reviewed three alternatives for revising the Code of Ethics to authorize county elected officials to make solicitations of donations on behalf of charitable organizations. Of the three, Mr. Howell stated he agreed with Alternative 2, which read: "Except as prohibited or limited by state law, it shall not be a violation of the Code of Ethics for county elected officials to solicit donations on behalf of charitable organizations. Such solicitations shall not include the use of county resources." Mr. Howell asked if a councilmember is considered a county resource. Mr. Johansen referred him to a previous footnote that identified staff, telephones, facsimilies, computers, e-mail, etc. as county resources, but would not include the time of elected officials since, based on previous Board discussions, councilmembers were never 'off duty.' Ms. Keenan stated that most elected officials were unlikely to play a meaningful community role with charitable organizations without using county resources. Mr. Howell withdrew his objection to use of county resources. Mr. Carlson stated that if county resources were used as a part of the official duties of the councilmember, then it should be allowed. The Board agreed to the wording of Alternative 2, with the elimination of prohibition of use of county resources.

Ms. Clemens stated that good laws provide clear and specific guidance to elected officials and employees. They also provide reassurance to the public of fair dealings by government in the best interests of the community. She hoped the Board would consider adding clarifying requirements to the broad framework of Alternative 2, some of which Mr. Johansen had offered under Alternative 3. The Board stated they planned to review each requirement.

Mr. Fowler stated that the Ethics Board exists to place community values into the activities of county elected officials. He asked that the Board, after making their selections, step back and review their decisions in light of good public policy. He asked if this alternative will ensure that citizens feel trust in their government? Will citizens believe transactions by elected officials are made without undue influence? Will citizens feel the law reflects their community values? Chair Price Spratlen stated she was comfortable with the Board's actions in light of these questions. Mr. Fowler asked that the Board consider the 'newspaper test' and how it might stand up to public scrutiny.

Mr. Buck asked if councilmembers, when sitting in a quasi-judicial role making county-wide financial and policy decisions, should not be held to higher standards? In response to a comment that these concerns were not applicable in this instance, Mr. Buck stated that citizens do not see those fine distinctions. Citizens see councilmembers soliciting persons that have business before the council and they could rightly have concerns about the fairness of those transactions.

Chair Price Spratlen asked how would one know whether or not someone was going to come before the council? Ms. Keenan stated that councilmembers do not know who is to come before them since matters happen so quickly in that arena. She added that the situation Mr. Buck described does not play that badly to citizens since councilmembers are raising money for charities and taking the burden off government. In addition, councilmembers engage in that sort activity for political campaigns anyway. Rev. Pruitt commented that certain segments of the community are very suspicious of elected officials based on the citizen's own particular values. The Board should look for a 'reasonable person' standard.

After further discussion, the Board agreed to three provisions or restrictions to amend Alternative 2: (1) since solicitation activities come within the public duties of county elected officials, the official may make incidental use of county resources in preparing and sending such solicitations; (2) the official shall not receive in any amount or manner any financial benefit or gain from engaging in solicitation activities; and (3) the official, if a member of the county council or the executive, shall not direct such solicitations to persons registered as lobbyists pursuant to county ordinance.

After noting the time, the Board decided to table the discussion of donation of items by county elected officials to charitable organization for fund raising events as well as other Code provisions that merit discussion. Mr. Johansen stated that he appreciated the Board's careful review and discussion of these Code issues. Chair Price Spratlen responded with her thanks and appreciation by the Board of the work of Mr. Johansen and Ms. Clemens.

6. *Board Appointments.* Ms. Clemens reported that Mr. Howell and Dr. Gordon have been appointed by the executive but not yet confirmed by the council. The Board discussed resuming the quarterly meetings with the executive and establishing a first meeting with council chair, but decided to wait until after the first of the year in consideration of their current, heavy schedules. Chair Price Spratlen stated she would send personal notes to both the council chair and executive in February, since earlier attempts to set meetings have not been successful.

7. *Executive Session.* At 6:30 p.m., the Chair requested that the meeting move into executive session for the purpose of discussing a quasi-judicial matter and asked that all persons other than Board members leave the room. The Chair announced that the executive session would conclude in five minutes.

At 6:35 p.m. the Board completed the executive session and resumed its regular meeting.

Mr. Carlson announced the recent induction of Chair Price Spratlen into the Academy of Nursing, a high honor for those in the professional nursing field. Congratulations were offered to Chair Price Spratlen.

At 6:40 p.m., Rev. Pruitt moved to adjourn the meeting. Mr. Carlson seconded the motion. The motion was approved and the meeting was adjourned.

Approved this \_\_\_\_ day of \_\_\_\_\_, 1999 by the King County Board of Ethics.

Signed for the  
Board: \_\_\_\_\_

Dr. Lois Price Spratlen, Chair